

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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International Business Machines Corporation,	:
	:
Plaintiff,	:
	:
- against -	:
	:
David L. Johnson,	:
	:
Defendant.	:
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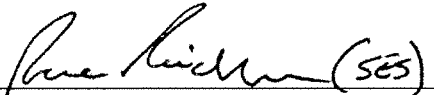
Civ. No.09-cv-4826 (SCR)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the annexed Memorandum of Law in Support of Defendant's Motion to Dismiss and to Stay Discovery, the Declaration of Sara E. Solfanelli, dated July 9, 2009, and all exhibits attached thereto, and upon all prior pleadings and proceedings had herein, Defendant David L. Johnson will move this Court, before the Honorable Stephen C. Robinson, United States District Judge, at the United States Courthouse located at 300 Quarropas Street, Room 633, White Plains, New York, on a date and time to be determined by this Court, for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing, with prejudice, Count III and Count IV in the Amended Complaint filed by Plaintiff on June 24, 2009, and for such other and further relief as this Court deems just and proper.

Dated: July 9, 2009
New York, New York

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